

A person who acquires personal assets by being party to a breach of trust, or *devastavit* by the executor or administrator, may be held liable.

of trespass, ejectment, or under the statutes for forcible entry, and in such case equity cannot interfere. *Pfelz v. Pfelz*, 14 Md. 377.

The digging and removing ore from ore beds held, under certain circumstances, to be a trespass which worked a permanent injury to the property, and which should be enjoined. *Scully v. Rose*, 61 Md. 408. Digging deep holes and planting therein large stone pillars or abutments, carrying away large banks of clay, and constructing an aqueduct through, and thus permanently dividing the complainant's land, are acts which, if done without authority of law, would present a case of irreparable damage authorizing an injunction. *Reddall v. Bryan*, 14 Md. 444. The permitting a race or ditch to remain out of repair so that the water filtrates through the bank, thereby flooding and injuring the meadow of the complainant, is not such an injury as will authorize the interference of equity by injunction. *Carlisle v. Stevenson*, 3 Md. Ch. 500. If actions at law had been brought and damages recovered, and the defendant still permitted the ditch to remain in a defective condition, then equity would interfere by injunction because it would be shown that the law was inadequate to afford relief. *Ibid.* If the race was in as good condition as it was during the life of the person under whom both parties claim, or if the injury was caused by the act of the complainant himself, then he could not have redress in any Court. *Ibid.*

Taking possession of a portion of a city building lot and erecting thereon a building, thereby reducing the front of the lot so as to prevent the plaintiff's building upon it himself in the most advantageous mode, goes to the destruction, *pro tanto*, of the estate and impairs the just enjoyment of the property in future, and will be restrained by injunction. *Herr v. Bierbower*, 3 Md. Ch. 456. But the erection of a wood fence upon a part of such lot and the admission of such trespass, does not *per se* furnish a claim to the aid of equity. *Ibid.*

The complainant charged that the defendant was about to erect upon the pavement a permanent iron awning post, &c., which would operate as a continuing trespass to the irreparable injury of the property of complainant. But he failed to show either by allegation or proof how such injury was to follow. Held, that having failed to present a case in which he was unable to recover ample redress in an action at law, the complainant was not entitled to an injunction. *Whalen v. Dalashmutt*, 59 Md. 250. Injunction granted to restrain unauthorized use of a church and interference with meetings. *Gilbert v. Arnold*, 30 Md. 37.

An injunction granted to stay trespass, there being then depending no suit to try the right, will be dissolved on the coming in of the answer denying the trespass, and alleging that the acts complained of were on defendant's own land. *Stewart v. Chew*, 3 Bland, 440. Where a defendant asserts positively that it is not his intention to do a certain act, or to violate any particular right claimed by the plaintiff, and there is no evidence to show the contrary, the Court will not interfere. It will neither grant nor continue an injunction in the face of such disclaimer. *Whalen v. Dalashmutt*, 59 Md. 250.

2. *Waste.* Waste is the abuse or destructive use of property by him who has not an absolute unqualified title, while trespass is generally an injury to, or use of the property by one who has no right whatever. *Duvall v. Waters*, 1 Bland, 569. When any permanent injury is done by the holder of the particular estate to the inheritance, or to the prejudice of one having an interest in it, it is properly called waste. *Ibid.* An injunction to stay waste